

APPLICATION FOR APPEAL TO ZONING BOARD OF ADJUSTMENT

Name of Applicant _____

Address _____

Owner _____
(if same as applicant, write "same")

Location of Property _____
(street, number, subdivision & lot number)

Permit Application # _____ Map _____ Lot _____

NOTE: Select Type 1, 2, 3, or 4 according to your type of appeal(s) and complete as specified. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet of paper, if necessary.

BE SURE TO SIGN AND DATE THIS APPLICATION ON THE REVERSE SIDE.

Type 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance:

Administrative decision to be reviewed _____

Zoning Section(s) in Question _____

Type 2. APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing jurisdiction for a special exception as specified in Zoning

Ordinance Section(s) _____

Type 3.**APPLICATION FOR VARIANCE**

A variance is requested from Zoning Ordinance Section(s) _____ to permit _____

Facts supporting this request respond to the following and are provided on a separate sheet:

1. Respond to all items listed in the Lyme Zoning Ordinance section 10.60: A. the proposed use will not diminish surrounding property values; B. granting the variance will not be contrary to the public interest; C. the use will not be contrary to the spirit and intent of the ordinance; D. by granting the variance, substantial justice will be done, and E. denial of the variance would result in unnecessary hardship to the owner.
2. Respond to all items in the NH Supreme Court's test. Either test must be met to constitute unnecessary hardship.
 - A. the Simplex decision for a "Use Variance." (1) a zoning restriction as applied to their property interferes with their reasonable use of the property, considering the unique setting of the property in its environment; (2) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and (3) the variance would not injure the public or private rights of others.
 - B. the Boccia decision for a "Non-Use or Area Variance." (1) Is the variance needed to enable the applicant's proposed use of the property, given the special conditions of the property? (2) Can the benefit sought by the applicant be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance?

Type 4.**APPLICATION FOR EQUITABLE WAIVER**

An Equitable Waiver of Dimensional Requirements is requested from Section _____ of the Zoning Ordinance to permit _____

1. The request involves a physical layout or dimensional requirement and meets the following:
 - a. the violation was not discovered until after the structure was substantially completed or until a lot in violation was sold to an innocent buyer;
 - b. the violation was caused by a "good faith error in measurement or calculation" by the owner or owner's agent or by an error by a municipal official applying the ordinance;
 - c. the violation does not constitute a nuisance, diminish property values in the area, or interfere with future uses of other property; and
 - d. the cost of correcting the violation far outweighs any public benefit of the correction.
2. In lieu of the findings required in "1.":
 - a. the violation has existed for ten years or more, and
 - b. no enforcement action has been commenced against the violation by the town or by any person directly affected.

Applicant(s) (Print): _____

Date: _____

Signature(s): _____